IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31121 of 2006(E)

PETITIONERS:

1.V.MOHANAKUMARAN NAIR,
CHANDRIKA BHAVAN,
A.K.NAGAR, CHEMPAZHANTHY.

2. B.CHANDRIKA,
CHANDRIKA BHAVAN,
A.K.NAGAR, CHEMPAZHANTHY.

3. K.MUNIRAJ,
T.C.25/26, GANDHI NAGAR,
KALPALAYAM, PUTHENCHANTHAI,
THIRUVANANTHAPURAM.

BY ADV. SRI.B.UNNIKRISHNA KAIMAL
SRI.BABU POTHENCODE
SRI.V.MADHUSUDHANAN

RESPONDENTS:

1.THE FEDERAL BANK LTD.,
PONGUMMOODU BRANCH, THIRUVANANTHAPURAM.

2.THE MANAGING DIRECTOR,
K.S.R.T.C., TRANSPORT BHAVAN,
FORT, THIRUVANANTHAPURAM.

R2 BY ADV.MR.JOHNSON P.JOHN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.31121 of 2006

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Dated: 24th November, 2006

JUDGMENT

The 1st petitioner who retired from the K.S.R.T.C. on 31.8.2004 seeks out-of-turn release of his retiral benefits due from the K.S.R.T.C. on the ground that the Principal Munsiff's Court, Trivandrum executing a compromise award passed by the Lok Adalath has directed his arrest and detention in civil prison by 25.11.2006.

2. Heard Mr.B.Unnikrishna Kaimal, learned counsel for the petitioners and Mr.Johnson P.John, Standing Counsel for the K.S.R.T.C. who has taken notice for the 2nd respondent.

3. Having regard to the rival submissions made at the Bar, I am of the view that there is justification for directing release of a sum of Rs.75,000/- which will be necessary for the first petitioner for liquidating his liabilities due under Ext.P3 order passed by the Principal Munsiff's Court, Trivandrum. Accordingly, this Writ Petition will stand disposed of with the following directions:

The 2nd respondent-Corporation will pay, by way of Bankers' cheque drawn in favour of the Federal Bank Limited, Pongummoodu Branch, a sum of Rs.75,000/- to the 1st petitioner and the 1st respondent-Bank will, on receiving the above Bankers' cheque from

him, release the proceeds towards the credit of the amounts due under Ext.P3 order. The payment as directed above will be made by the 2nd respondent-Corporation within six weeks of the Corporation receiving a copy of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**